

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

EXTENDED STAY, INC. *et al.*,

Debtors.

WALKER, TRUESDELL, ROTH &
ASSOCIATES, as Trustee for and on behalf
of the EXTENDED STAY LITIGATION
TRUST,

HOBART TRUESDELL, as Trustee for and
on behalf of the Extended Stay Litigation
Trust, and

THE EXTENDED STAY LITIGATION
TRUST,

Plaintiffs,

v.

The Blackstone Group, L.P., *et al.*,

Defendants.

WALKER, TRUESDELL, ROTH &
ASSOCIATES, as Trustee for and on behalf
of the EXTENDED STAY LITIGATION
TRUST,

HOBART TRUESDELL, as Trustee for and
on behalf of the Extended Stay Litigation
Trust, and

THE EXTENDED STAY LITIGATION
TRUST,

Chapter 11 Case No.

No. 09-13764 (JMP)

(Jointly Administered)

Civ. No. 11-cv-5394 (SAS)
Adv. Pro. No. 11-2398 (JMP)

**DECLARATION OF MARC D.
POWERS IN SUPPORT OF
PLAINTIFFS' COMBINED REPLY IN
FURTHER SUPPORT OF THE
MOTIONS TO WITHDRAW THE
REFERENCE**

Civ. No. 11-cv-5397 (SAS)
Adv. Pro. No. 11-2254 (JMP)

Plaintiffs,

v.

The Blackstone Group, L.P., *et al.*,

Defendants.

WALKER, TRUESDELL, ROTH &
ASSOCIATES, as Trustee for and on behalf
of the EXTENDED STAY LITIGATION
TRUST,

HOBART TRUESDELL, as Trustee for and
on behalf of the Extended Stay Litigation
Trust, and

THE EXTENDED STAY LITIGATION
TRUST,

Plaintiffs,

v.

THE BLACKSTONE GROUP, L.P.,
et al.,

Defendants.

Civ. No. 11-cv-5396 (SAS)
Adv. Pro. No. 11-2255 (JMP)

WALKER, TRUESDELL, ROTH &
ASSOCIATES, as Trustee for and on behalf
of the EXTENDED STAY LITIGATION
TRUST,

HOBART TRUESDELL, as Trustee for and
on behalf of the Extended Stay Litigation
Trust, and

Civ. No. 11-cv-5395 (SAS)
Adv. Pro. No. 11-2256 (JMP)

THE EXTENDED STAY LITIGATION
TRUST,

Plaintiffs,

v.

LIGHTSTONE HOLDINGS, LLC, *et al.*,

Defendants.

**DECLARATION OF MARC D. POWERS IN SUPPORT OF PLAINTIFFS' COMBINED
REPLY IN FURTHER SUPPORT OF THE MOTIONS TO WITHDRAW THE
REFERENCE OF THE ABOVE-CAPTIONED ADVERSARY PROCEEDINGS TO THE
BANKRUPTCY COURT**

Marc D. Powers, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a partner at the law firm of Baker Hostetler LLP, counsel for Plaintiffs Walker, Truesdell, Roth & Associates ("WTR&A"), as Trustee for and on behalf of the Extended Stay Litigation Trust (the "Trust"), the Trust, and Hobart Truesdell, as Trustee for and on behalf of the Trust ("Truesdell," and together with WTR&A and the Trust, the "Plaintiffs"), the Plaintiffs in the above-captioned adversary proceedings. As an attorney admitted to practice before this Court, I respectfully submit this declaration to provide the Court with true and correct copies of the documents listed below that are referenced in the Combined Reply in Further Support of the Motions to Withdraw the Reference.

2. Annexed hereto as **Exhibit 1** is a true and correct copy of the July 18, 2011 Letter to Judge Peck.

3. Annexed hereto as **Exhibit 2** is a true and correct copy of the Plan of Reorganization.

4. Annexed hereto as **Exhibit 3** is a true and correct copy of the Debtors' Memorandum in Support of Confirmation.

5. Annexed hereto as **Exhibit 4** is a true and correct copy of the Litigation Trust Agreement.

6. Annexed hereto as **Exhibit 5** is a true and correct copy of the decision in *In re Lehman Bros. Hldgs., Inc.* (JMP), Adv. Pro. No. 10-3266, Dkt. No. 93, Aug. 15, 2011.

7. I declare under penalty of perjury that the foregoing is accurate and true.

Executed on September 23, 2011.



Marc D. Powers